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Adoption of the report of the Committee on its fifty-sixth session

Draft report

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Addendum

Proposed strategic framework for the period 2018-2019
(*Item 3 (b) (ii)*)

Programme 21
International protection, durable solutions and assistance to refugees

1. At its 18th meeting, on 10 June 2016, the Committee considered programme 21, International protection, durable solutions and assistance to refugees, of the proposed strategic framework for the period 2018-2019 (A/71/6 (Prog. 21)). The Committee also had before it a note by the Secretariat on the proposed strategic framework, contained in conference room paper E/AC.51/2016/CRP.1/Rev.1.

2. The Deputy High Commissioner for Refugees introduced the programme and responded to queries raised during the Committee's consideration of the programme.

Discussion

3. Appreciation and support were expressed for the programme and for the overall proposed strategic framework presented by the Office of the United Nations High Commissioner for Refugees (UNHCR). Delegations commended UNHCR for its important work in complex conditions, particularly in the field, and its efforts in providing international protection, durable solutions and assistance to refugees, stateless persons, internally displaced persons and others of concern.

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4. The basic fundamental principles of impartiality, neutrality and humaneness were stressed, including the need for the work of the Office to be non-political. It was highlighted that the main focus of the Office must be to assist national Governments in dealing with their refugee populations and that, when operating in sovereign States' territories, all activities must be undertaken within the framework of national legislations.

5. Reference was made to the summit on the global refugee crisis, to be held in September 2016 at the sidelines of the General Assembly high-level plenary meeting on addressing large movements of refugees and migrants, and which would seek to secure new commitments towards increased and sustained support for United Nations humanitarian appeals, greater opportunities for resettlement and expanded opportunities for refugee self-reliance through access to education, legal employment and other measures. Given the increasing complexities of emergencies, the importance of partnerships and coordination of activities was highlighted, including the need for the United Nations system to ensure complementarity and cooperation. It was suggested that the Office should collaborate with other agencies, for example, with the United Nations Children's Fund and the World Food Programme.

6. It was highlighted that indicators of achievement should be outcome-oriented and should focus on results. The view was expressed that UNHCR should better track the indicators and, given the limited resources available, ensure the optimal alignment of operational resources with needs. In that regard, emphasis was placed on the need to ensure adequate staff in the field and at Headquarters, in other words, "to place the right people in the right place".

7. Reference was made to the report of the Office of Internal Oversight Services (OIOS) on the review of the evaluation capacity of UNHCR (E/AC.51/2013/5). UNHCR was encouraged to continue to implement the recommendations of OIOS.

8. Continued support was expressed for the Office's efforts to implement a naturalization programme for refugees, which was deemed to be an elemer essential to support displaced persons, together with local integration programmes. Likewise, the importance of registration of refugees, on an individual basis, was highlighted. Information was sought on the ways in which the Office was dealing with situations where host authorities did not cooperate in that process. In that regard, clarification was sought regarding ways to ensure that the basic needs of refugees were met and to ensure the link between basic needs and registration of refugees.

9. With regard to paragraph 21.6 (g) of the overall orientation, attention was drawn to editorial amendments and clarification was sought about the reason for those amendments. The view was expressed that the previous version, as contained in the biennial programme plan for the period 2016-2017, had been clearer with regard to the obligation of United Nations officials to observe fully both the laws and regulations of Member States.

10. Appreciation was expressed for expected accomplishment (c), Increased safety from violence and exploitation for refugees and others of concern, especially women and children, in light of the particular vulnerability of the latter.

11. Information was sought on various indicators of achievement, including (c) (i), (d) (iv) and (e) (i), namely on whether baseline figures were already available so as

to allow for comparisons, and (f) (ii), namely on the use and the meaning of the phrase "persons of concern".

12. Diverging views were expressed on paragraph 21.10 of the strategy, in particular the recognition that gender-related forms of persecution and discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons of concern required a concerted protection response and might also be grounds for granting refugee status.

13. The strongest concern raised by a number of delegations focused on the inclusion of the concept, with the argument that the issue was not unanimously acceptable to all delegations. Several delegations expressed the view that the formulation was not in accordance with the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto, nor any other conventions or mandate, and information was requested on the exact legal basis for the inclusion. Information was also sought on the empiric basis for the concept, including data on the origin and present location of such persons, which had triggered UNHCR to include the formulation. Information was further sought on the countries where UNHCR would work and deliver the capacity-building activities to raise awareness of the issue and, in that regard, delegations highlighted that homosexuality was a crime in the national legislation of several countries and that the sovereignty and authority of States meant that UNHCR must strictly comply with host countries' national legislation and fully respect local cultures, norms and beliefs. Delegations stressed that UNHCR should focus on humanitarian issues and not enter into political discussion. Therefore, delegations stressed, any references to the concept must be deleted from the text.

14. Several other delegations welcomed and expressed strong support for a gender and diversity perspective and the inclusion of lesbian, gay, bisexual, transgender and intersex issues in the strategic framework. The delegations highlighted the great importance of actions against sexual and gender-based violence and concurred with the opinion of UNHCR that women, children, lesbian, gay, bisexual, transgender and intersex persons of concern and other persons with specific needs were most vulnerable and deserved support. As to the mandate for inclusion of the concept, the view was expressed that it was covered in the existing mandates and did not represent an extension of the mandate of the Office, which was founded on a human rights-based approach. Reference was made to the adoption of Human Rights Council resolution 27/32 on human rights, sexual orientation and gender identity, and emphasis was placed on the need for decriminalization of lesbian, gay, bisexual, transgender and intersex refugees and persons of concern.

15. Under the list of mandates, it was noted that General Assembly resolution 70/1 on transforming our world: the 2030 Agenda for Sustainable Development, was not included. Clarification was sought as to the reason for that omission, particularly in light of paragraphs 23 and 25 of the resolution, which contained references to refugees.

Conclusions and recommendations

16. **The Committee recommended that the General Assembly should approve the programme narrative of programme 21, International protection, durable solutions and assistance to refugees, of the proposed strategic framework for the period 2018-2019, subject to the following modifications:**

Overall orientation

Paragraph 21.6

Replace subparagraph (g) with:

"Ensuring the security of refugee camps, settlements and areas of return, as well as their civilian and humanitarian character, and exploring further concrete ways of enhancing the safety and security of UNHCR staff and other humanitarian workers working with refugees and returnees. In this regard, due consideration should be given to the obligation of United Nations officials to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization".

Paragraph 21.7

In the second sentence, insert "General" before "Assembly".

Paragraph 21.8

In the third and fourth sentences, insert "General" before "Assembly".

Objective of the Organization

Delete "as applicable".

Expected accomplishments of the Secretariat

In expected accomplishment (g), insert "partnership and" after "strengthened".

Indicators of achievement

In indicator of achievement (c) (i), insert "UNHCR" before "operations".

Add new indicator of achievement (e) (iii) to read "Increased percentage of UNHCR operations implementing alternatives to camps".

In indicator of achievement f (ii), replace "persons of concern" with "refugees".

Replace indicator of achievement (f) (iii) with "Increased percentage of UNHCR operations supporting national authorities with the local integration of refugees".

Strategy

Paragraph 21.10

Replace the last sentence with "UNHCR will work with Governments to raise awareness that gender-related forms of persecution may be grounds for refugee status. It will also work with Governments to raise awareness of the fact that gender-based violence against refugees and persons of concern requires a concerted protection response".

Paragraph 21.13

In the first sentence, insert "within its mandate" after "will undertake".

Legislative mandates

General Assembly resolutions

Add resolution 70/1, "Transforming our world: the 2030 Agenda for Sustainable Development".

Add resolution 70/165, "Protection of and assistance to internally displaced persons".